REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being canceled.

Claims 10, 43, 48, 49, 64, 74, 79, 80 and 83 are currently being amended.

No claims are currently being added.

This amendment amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-14, 21-23, 34 and 43-88 are now pending for consideration, whereby claims 1-7, 14, 21-23, 43, 50-52, 56-59, 81 and 82 are withdrawn from consideration.

Request for Entry of After-Final Amendment and Reply:

It is respectfully requested that this after-final amendment and reply be considered and entered, since: a) it is believed to place this application in condition for allowance, and b) at the very least it lessens the number of potential issues for appeal.

Request to Examiner Some Withdrawn Claims:

Claim 65 was withdrawn from consideration, whereby Applicant asserts that this withdrawal is incorrect. Claim 65 depends from non-withdrawn claim 55, and recites a peel-off protection cover. This structural feature should not have caused claim 65 to be withdrawn from consideration. Clarification is respectfully requested.

Also, claims 43, 81 and 82 should not have been withdrawn from consideration, since they are directed to an affixing element having first and second ends coupled together, which is the pertinent feature of the elected species. Accordingly, examination of those claims is respectfully requested. The fact that these claims may also be readable on a non-elected species does not mean that they cannot also be readable on the elected species. For example, a generic claim would be readable on all species, and would be examined no matter which species was elected.

Claim Objections:

Claim 46 was objected to because of being of improper dependent form for failing to further limit the subject matter of the claim from which it depends. Applicant respectfully disagrees. Claim 46 depends from claim 44, whereby claim 46 recites the first and second ends of the affixing element are disposed against the second surface of the backer/stabilizer. Claim 46 provides further limitations to this feature, by reciting additional features of the disposition of the first and second ends of the affixing element, beyond those recited in claim 44.

The Office Action also objects to claims 65, 72, 74, 76-79 and 88, as not containing any further structural limitations; Applicant respectfully disagrees. Claim 65 recites a peel-off protective cover, which is clearly a structural limitation not recited in the claim from which it depends. Claim 72 recites a channel, which is on the second surface of the backer stabilizer, whereby such features are not recited in its base claim 70. The channel can be seen, for example, in Figure 20. Claim 74 has been amended to recite that the at least one opening can be at least two openings, a cut-out or a channel. Claim 76 recites features of the disposition of the affixing element (having first and second ends), and a first portion of the affixing element is disposed within a first opening of the backer/stabilizer, a second portion of the affixing element is disposed within a second opening of the backer/stabilizer. These features are not recited in the claim 73, which is the claim from which claim 76 depends. The features of claim 76 can be seen, for example, in Figures 4-6. Claim 77 recites that the first end of the affixing element is fitted through a first opening

of the backer/stabilizer and then through a second opening of the backer/stabilizer, wherein the first and second ends are coupled together (a structural limitation on the affixing element), as seen, for example, in Figure 9. Claims 78 and 79 each recites a protective covering, which is clearly a structural limitation not recited in the claims from which they depend. Claim 88 further defines the channel as forming a groove on the second surface of the backer stabilizer. This again is a further structural feature with regard to the channel.

35 U.S.C. 112, First Paragraph Rejection of Claims 10, 78 and 80:

Claims 10, 75 and 80 were rejected under 35 U.S.C. Section 112, first paragraph, as being based on a disclosure that is non-enabling. Claim 10 has been amended to overcome this rejection, to recite "bottom" surface instead of "one" surface. With respect to claims 75 and 80, the various elements recited in those claims are fully supported by the originally-filed specification. In particular, see paragraphs 0014, 0015, 0079, 0084, 0144 and 0151 of the specification.

35 U.S.C. 112, Second Paragraph Rejection of the Claims:

Claims 10, 64, 48, 49, 55, 73, 76, 77, 80, 83, 84 and 88 were rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite, for the reasons set forth on pages 6 and 7 of the Office Action.

With respect to claim 10, that claim has been amended to recite that the "one" side of the backer stabilizer corresponds to the "bottom" side of the backer stabilizer.

With respect to the comments in the Office Action regarding claims 10, 11 and 13 being the same structure as claim 12, Applicant respectfully disagrees. Claim 12 recites that the channel is on the second surface of the backer/stabilizer, which is a feature not recited in claim 10, or dependent claims 11 and 13. Claim 12 also depends from claim 8, and not from claim 10, whereby claim 12 further details the openings of its base claim 8. Claim 11 recites different types of openings, as seen, for example, in Figure 6 (two

openings) and Figures 17, 18 and 19 (cut-outs). Claim 10 recites at least one opening, while dependent claim 11 recites at least two openings.

Therefore, claims 10, 11 and 13 have different structural limitations.

With respect to claim 64, that claim is based on Figure 18 of the drawings, whereby the cut-outs can clearly be seen in that figure. Claim 64 has been amended to recite "edges" instead of "sides", for purposes of clarity.

With respect to claims 48 and 49, the preambles of those claims have been amended to overcome the indefiniteness rejection of those claims.

With respect to claims 55 and 73, it is unclear what the Examiner's basis is for rejecting these claims, since they are of different scope. If the Examiner contends that they are of the same scope, then the proper rejection would be 35 U.S.C. Section 112, fourth paragraph. Clarification is respectfully requested. Claim 55 recites that the backer/stabilizer has at least one opening, cut-out or channel; claim 73 recites that the backer/stabilizer has at least one opening. Claim 73 also recites that the backer/stabilizer is a rigid or semi-rigid element, which is a feature not recited in claim 55.

With respect to the comments made in numbered paragraph 15) of the Office Action concerning claims 61 and 64, claim 61 recites a backer/stabilizer with first and second openings, and claim 64 recites cut-outs at edges of a backer/stabilizer. These are clearly different structural features.

With respect to claims 76 and 77, the Examiner is directed to Figure 21 of the drawings, whereby affixing element 2110 is fitted through two separate openings of backer/stabilizer 1710. See also Figure 9 for claim 77, which shows a barette fitted through openings on a backer/stabilizer, to thereby couple those two components together.

With respect to claim 80, the separate elements recited in that claim are separate elements with different properties, and thus it is not understood what is the problem with that claim. In particular, 'sticky backing' means an adhesive on the backer/stabilizer, preferably with a protective coating. 'Double sided reusable tape non-adhesive tab portion means a reusable double sided tape with

a non adhesive tab. 'Double stick tape' has been deleted from claim 80, thereby mooting the Examiner's comment in numbered paragraph 17) of the Office Action concerning 'double stick tape' and 'double sided tape'.

With respect to claim 83, that claim has been amended to overcome the indefiniteness rejection of that claim.

With respect to claims 84 and 86, those claims recite that the backer/stabilizer is an integral component made of a same material. Thus, as described in the specification, a credit-card, plastic backer/stabilizer is made of the same material (plastic) and is integral (no removable portions). Thus, claims 84 and 86 are not believed to be indefinite.

Thus, all of the presently pending claims are believed to be fully compliant with 35 U.S.C. Section 112, second paragraph.

Comments in Office Action in Numbered Paragraph 20:

In numbered paragraph 20 of the Office Action, the Examiner asserts that certain claims recite no more features than are recited in other claims. Applicant respectfully disagrees.

With regard to claims 10, 11 and 13 and claim 12, please see the comments provided above, as to why these claims are of differing scope, and hence cannot be lumped together in a single rejection.

With respect to claims 8 and 34, these claims are clearly of different scope. For example, claim 8 recites that the backer/stabilizer has a first opening and a second opening, while claim 34 recites that the backer/stabilizer has at least one opening, cut-out or channel. Thus, a backer/stabilizer having only one opening would be included in claim 34 but not claim 8. Also, the first and second ends of the affixing element are coupled together in claim 8, which is a feature not recited in claim 34. Furthermore, claim 34 including a means plus function element, thereby triggering 35 U.S.C. Section 112, sixth paragraph, with regard to construction of that element. Claim 8 does not recite any elements in means plus function format.

With regard to claim 79, that claim recites a protective covering, which is an additional structure feature not recited in its base claim 8.

With regard to claim 83, "adhering element" has been changed to "adhesive element", thereby mooting the objection to that claim.

With regard to claim 85, the <u>flat</u> features of that claim are <u>not</u> met by the shoelace cover 28 of Mathis, since Mathis' shoelace cover is clearly a <u>curved</u> structure, as clearly seen in Figures 2 and 3 of Mathis.

With respect to the comments provided in numbered paragraph 21) of the Office Action, Applicant respectfully disagrees with the Examiner's interpretation of Mathis. In particular, to be explained in more detail below, the loop 40 is securely attached to the shoe, by a rivet or the like, just like the attachment of the other two straps of the shoelace cover. It is believed that the shoelace does not pass through the loop 40. See claim 1 of Mathis, for example. Since the straps are attached to the shoe, they would be considered as part of the shoe and not part of the shoelace cover.

With respect to the comments provided in numbered paragraph 22) of the Office Action, to be explained in more detail below, the claimed backer/stabilizer must be interpreted as providing backing and stability, as clearly described in the originally filed application. These backing and stability features must be given patentable weight, in accordance with U.S. patent practice.

With respect to the comments provided in numbered paragraph 23) of the Office Action, to be explained in more detail below, the loop 40 does not form a channel, but rather forms a loop. Also, the shoelace is not believed to pass through the loop 40, but rather the loop 40 is securely attached to the shoe by a rivet or the like (just like how the upper two straps are attached to the shoe).

Rejection Of Claims 8-13, 34, 79, 83 and 85 Based on Mathis:

In the Office Action, claims 8, 9, 12, 10, 11, 13, 34, 79, 83 and 85 were rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No.

002.1309049.1 -25-

5,566,477 to Mathis. This rejection is traversed for at least the reasons given below.

With respect to the comment made in numbered paragraph 21) of the Office Action, in that the Examiner asserts that "the loop 40 is considered part of the shoelace cover, and the shoelace goes through the loop 40 (through an opening on one side and through an opening on the other side)", Applicant respectfully disagrees.

As an analogy, consider a hollow cylinder. If one looks down from the top of the cylinder, ones sees a circular opening that extends all the way down the cylinder. If one looks up from the bottom of the cylinder, one sees the same circular opening that extends all the way up the cylinder.

Thus, the Examiner's comments that the shoelace goes through an opening on one side and through an opening on the other side is simply incorrect, since: a) the shoelace does not go through the loop, and since b) even if the shoelace would be fitted through the loop, the shoelace would just go through the one opening within the loop.

Accordingly, for at least this reason, Mathis does not disclose or suggest all of the features recited in the presently pending independent claims under rejection. That is, Mathis' loop 40 passes through only one slot 34 in his shoelace cover 60, and it does not pass through two of the slots 32, 34, 36. Further, Mathis' loop 40 is securely coupled to the shoe (by a rivet) and whereby the shoelaces are not fitted through the loop 40.

With respect to the comments made in numbered paragraph 22) of the Office Action, the Examiner asserts that "function requirements [backing or stability]... are given little weight, since the patentability of a product relies on the structure, not the ultimate intended use." Applicant respectfully disagrees. Consider the recitation of a "control unit", whereby this recitation clearly connotes a unit that controls something. Now consider the claimed "backer/stabilizer", which Applicant clearly describe in the specification as

002.1309049.1 -26-

providing <u>backing</u> and <u>stability</u> for an object. These features must be given patentable weight, in accordance with U.S. patent practice.

With respect to the comments made in numbered paragraph 23) of the Office Action regarding claim 12, the Examiner asserts that "the loop 40 forms a channel on the second surface of the backer, and allows for passage of the shoelace." With all due respect, the loop forms a loop by which a shoelace can be fitted therethrough, whereby a loop is much different from a channel that is formed on a surface of a backer/stabilizer. Also, the shoelaces do not pass through the loop, but rather a rivet on the loop is used to rigidly secure the shoelace cover to the shoe. Thus, Mathis fails to teach or suggest a channel, as recited in claim 12.

Furthermore, with respect to claim 8, the loop of Mathis clearly does <u>not</u> provide any backing and stability features, and thus it cannot be considered as part of his shoelace cover 28, but rather it must be considered as a means to connect a bottom part of the shoelace cover 28 to the shoe 20. For that matter, Mathis' shoelace cover is a decorative cover for the shoe, and does not provide any backing or stability for the shoe.

Again, as explained in the previously-filed reply, one end of Mathis's strap 40 is fitted through the slot 34 of his shoelace cover, but the other end of Mathis' strap 40 is not fitted through any other opening in Mathis' shoelace cover. Furthermore, Mathis's shoelace cover does not provide any backing or stability for his shoe or shoelaces, but rather it merely provides a decorative or protective cover for the shoelaces tied on the shoe.

Additionally, Mathis' strap 40 is rigidly secured to the shoe, as described in claim 1 of Mathis, and in column 4, lines 9-25 of Mathis, just like the top straps. Thus, Mathis' strap 40 is not believed to be engaged with the shoelaces, but rather it is directly secured to the shoe itself. It is believed that a rivet attaches the strap 40 to the shoe, just like what is done for the top straps on the shoelace cover.

Thus, claims 8 and 12 are not anticipated by Mathis.

With respect to claim 11, that claim recites that either two holes are formed in a middle portion of the backer/stabilizer, or that two cut-outs are formed on edges of the backer-stabilizer. Mathis does not disclose or suggest either of these cases, since he merely discloses three slots near the periphery (but not on the edge) of his shoelace cover.

Therefore, claim 11 is also not anticipated by Mathis for this reason.

As mentioned above, dependent claim 85 recites that the backer/stabilizer has a flat shape, whereby Mathis' curved-shape shoelace cover clearly does not meet this claim limitation.

Accordingly, claim 85 is also not anticipated by Mathis for this reason.

Rejection Of Claims 8, 9, 12, 42 and 44-47, 55, 61-64, 66-80, 87 and 88 Based on Stanback and Sowell:

In the Office Action, claims 8, 9, 12, 42 and 44-47, 55, 61-64, 66-80, 87 and 88 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 5,709,013 to Stanback in view of U.S. Patent No. 5,857,469 to Sowell. This rejection is traversed with respect to presently pending claims 8, 9, 12, 42 and 44-47, 55, 61-64, 66-80, 87 and 88, for at least the reasons given below.

In numbered paragraph 25) of the Office Action, the Examiner asserts that "it would have been obvious to one of ordinary skill in the art to form the channel from the edge of one hole in support to the edged of the other hole in the support of the combination of Stanback and Sowell references". Applicant strongly disagrees with this assertion. The Office Action asserts that Stanback is not concerned with the shape of the support or the openings, but that is simply incorrect. Stanback clearly provides a curved shaped support 10 with holes to accommodate an ornament (e.g., broach 12) having a pin, whereby the pin fits through the top and bottom holes based on the curved shape of the support 10.

Thus, there is no reason why one skilled in the art would ever be motivated to add a channel to the support 10 of Stanback, since there is no reason to do this. It is not a design choice, rather, it is no choice at all. The

fact that adding a channel to the support 10 of Stanback would serve no purpose. The leg of the pin is set out from the base member 10, creating a space between the two. There is no reason to form a channel in the base member 10 for the pin to recess into. The base member 10 attaches to the scarf using elastic bands, and therefore it is no pertinent for the pin to lie flush with the base member 10. The statement made in the Office Action that adding a channel to Stanback would not interfere with its functionality has no bearing on requiring a teaching or motivation to add such a channel, and absent one, a rejection on this basis is incorrect and should be reconsidered and withdrawn.

With respect to the assertions made in numbered paragraph 26) of the Office Action, whereby the Examiner assert that the location of the coupled ends, as clearly shown in the drawings and as described in the specification, is not an argument against obviousness since "even if Applicant's allegations were true, would it not have been obvious to another of ordinary skill in the art practicing the invention of Stanback?" Applicant simply answers NO, unless that person of ordinary skill in the art had the ability to first read Applicant's specification to thereby obtain hindsight reconstruction of the claimed invention. The elastic bands of Stanback are purposefully attached on the outside of the base member so that the bands will stay together, thereby attaching the base member more securely to the scarf.

As explained in the previously-filed reply, the adding of a Velcro strip to the outer surface of Stanback's support 10 would complicate the connectivity of the broach 12 to the support 10, due to the added width of the useless Velcro strip on the outer surface of the support 10. To have such a structure would mandate that a user would have to pull off the Velcro strip to allow pinornaments to be coupled to the support, and to put the Velcro strip back on to allow non-pin ornaments to be coupled to the support. This is clearly beyond the combined teachings of Sowell and Stanback, and it also makes no sense in any event.

With respect to the comments made in numbered paragraph 31) of the Office Action with respect to the channel portion, again, Applicant states that

002.1309049.1 -29-

Stanback's support 10 is curved for a reason – to accommodate a pin-ornament (broach 12) to be fitted through top and bottom openings of the support 12. Thus, there is no reason why one would want to add a channel to the back surface (or to a front surface, for that matter) of Stanback's support 10, since the space created by the curved support 10 provides all the clearance necessary to attach the pin of the broach to the support 10. Thus, one skilled in the art would have no motivation to add a channel to Stanback's support 10, and since Sowell does not rectify these shortcomings of Sowell (at best, it relates to couplings on the outer surface of Stanback's support 10), the "channel" claims are clearly patentable over the purported combination of Stanback and Sowell.

In the previous Office Action, the Examiner asserted that "to eliminate safety concerns associated with pins, it would have been obvious to use a pin-free attachment mechanism", and from that assertion, the Examiner concludes that one skilled in the art would be motivated to combine the non-pin attachment features of Sowell to the structure of Stanback. However, this assertion is incorrect, since Stanback's main purpose is to provide an attachment device for attaching ornamental devices with pins to other objects, such as scarves, without causing damage to the scarves by having to otherwise pin the ornamental device directly onto the scarf. To argue that one would be motivated to change Stanback's attachment device to allow for non-pin ornaments goes totally against the main purpose of Stanback, whereby that main purpose it so allow for pin ornaments to be attached to a person without having to pin those ornaments directly onto clothes worn by that person.

With respect to the comments made in numbered paragraph 27) of the Office Action, Stanback is referring to all ornamental articles as having pin fasteners, whereby an article having a pin fastener would not be able to fasten to Sowell's barette. Thus, Applicants position is not inconsistent.

Stanback is not concerned about safety, but rather about causing damage to the person's clothing caused by pin holes in scarves or the like. If one was to somehow fit Sowell's barette 3 onto Stanback's support 10, if such a thing was possible, would require that Sowell's barette 3 be forced through the holes 54

002.1309049.1 -30-

on Stanback's support 10, which would make no sense since the person could just as well clip Sowell's barette 3 directly onto that person's scarf or other piece of clothing. Again, there is no motivation to combine these two references.

Furthermore, with respect to claims 68, 69 and 87, the Office Action states "while the Stanback reference is not concerned with the shape of the support or the openings, changing the shape of an object without an effect on the functionality of the object, is regarded as a choice of design." Applicant respectfully disagrees, since modifying Stanback from its intended purpose would interfere with the functionality of the device. In particular, in Stanback, the support 10 must be curved and flexible so that the pin 36 does not interfere with the loop (to be placed around the scarf) when in place. In column 2, lines 51-56, Stanback states that the base member is preferably formed of a flexible material, to allow it to form a space afforded for the broach 12. The shape and openings of Stanback's support 10 matter very much, in order to allow the broach 12 to be fitted onto the support 10. To change the openings of Stanback's support 10 to correspond to cut-outs having a linear portion and a circular portion as recited in claims 68 and 69, would provide for a support 10 that would not allow a pin ornament 12 to be securely coupled to the support 10, and thus it would totally change the functionality of Stanback's device. Further, with regard to claim 87, Stanback's support 10 must be curved to allow the pin to be fitted within top and bottom openings of his support 10, whereby a flat support would not allow such a fitting.

With respect to the statement concerning claims 55, 61-64 and 88 providing no more structure than claim 12, Applicant respectfully disagrees, whereby the arguments provided earlier with respect to these claims apply equally as well here. For example, the cut-out features recited in claim 64 are not taught or suggested in either Stanback or Sowell.

With respect to the comment made in the Office Action that claims 55 and 70 are of the same scope, these claims are of different scope, whereby claim 55 recites that the backer/stabilizer has at least one opening, cut-out or

channel, and whereby claim 70 recites that the backer/stabilizer has a first opening and a second opening. Also, claim 70 recites that the affixing element has two ends, which is a feature not required for the affixing element of claim 55. These claims recite features not taught or suggested by the combination of Stanback and Sowell.

With respect to the Examiner's comments concerning claims 70 and 71 being of equal scope, Applicant respectfully disagrees. Claim 71 recites a protective cover, which is a structural feature not recited in its base claim 70, and which is a feature which must be given patentable weight. The protective cover is not taught or suggested by either Stanback and Sowell.

The Office Action also asserts that claims 74 and 76-79 do not recite anything additional over base claim 73, and Applicant respectfully disagrees. For example, claim 74 recites at least two openings, cut-out of channel, which is a feature not recited in base claim 73 (and not taught or suggested by Stanback or Sowell). Claims 76 and 77 recite that the first and second ends of the affixing element are coupled together, which is a feature not recited in its base claim 73. Claim 78 recites a protective covering, which is a structural feature not recited in its base claim 73 (and not taught or suggested by Stanback or Sowell).

With respect to the comments made in numbered paragraph 26) of the Office Action, Applicant submits that the claimed channel provides for a way to allow the affixing element to be disposed between a backer/stabilizer and a mechanical and/or adhesive fastener, while at the same time allowing those two elements to be coupled together in a flat manner. Stanback's curved support 10 totally teaches away from a channel, and it is unclear where one would even consider providing such a channel to the support 10 of Stanback.

Still further, even if one of ordinary skill in the art was motivated to combine the teachings of Stanback with those of Sowell, which Applicant states cannot be done, that would result in a Velcro pad (male?) being placed on an outer surface of Stanback's support or base member 10, and another Velcro pad (female?) coupled to an inner surface the pin-type ornament, such as the broach

12. This attachment of the broach 12 to the support or base member 10 using male and female Velcro pads would likely result in damage to the pin during the attachment and detachment process of the pin and the Velcro to the broach.

Reconsideration and withdrawal of the claim rejection based on the combined teachings of Stanback and Sowell is respectfully requested.

Rejection Of Claims 48, 49, 53, 54 Based on Stanback and Sowell and Bries

In the Office Action, claims 48, 49, 53 and 54 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Stanback and Sowell and further in view of U.S. Patent No. 6,572,945 to Bries. This rejection is traversed with respect to presently pending claims 48, 49, 53 and 54, for at least the reasons given below.

With respect to the rejection made with respect to claims 48, 49, 53 and 54 based on the combined teachings of Stanback, Sowell and Bries, since Bries is merely used to show a double-sided adhesive, Bries does not rectify the above-mentioned shortcomings of Stanback and Sowell, whereby one of ordinary skill in the art would not be motivated to combine Stanback, Sowell and Bries to each other, and in any event such a purported combination would not result in the presently claimed invention.

Additionally, even if one of ordinary skill in the art is motivated to combine the teachings of Stanback with those of Sowell, which Applicant states cannot be done, one would use a permanently affixed Velcro pad onto Stanback's support or base member 10, since there would be no reason to ever remove it from the support or base member 10.

Also, in response the comments made in numbered paragraph 33 of the Office Action, using Bries' adhesive strip to couple Sowell's Velcro to Stanback's support 10 would add further width to the Velcro, and thus further complicate the design so that some types of pin-ornaments would likely not be able to couple to the support 10 of Sowell. Thus, one skilled in the art would not be motivated to combine the teachings of Bries to those of Sowell and

Stanback (whereby Applicant asserts that the teachings of Sowell and Stanback cannot be combined to arrive at a useful structure, as discussed previously), since it would defeat (or at least make more difficult) the "main purpose" of Stanback – that being to allow a coupling of a pin-ornament 12 to a support 10, so that the pin ornament can be placed on a user without having to pin it onto clothing of the user.

Also, with respect to claim 54, that claim recites that a portion of the affixing element is disposed between and thereby sandwiched between the backer/stabilizer and the adhesive and/or mechanical fastener (structural features regarding disposition of elements), whereby such features are not taught or suggested by any of the cited art of record, alone or in combination.

Further, with respect to claim 65, that claim recites a peel-off protective cover, which is a clear structural limitation and not a process limitation.

Accordingly, the presently pending claims under rejection are patentable over the combined teachings of Stanback, Sowell and Bries.

Conclusion:

Accordingly, since there are no other objections or rejections raised in the Office Action, this application is believed to be in condition for allowance, and an early indication of allowance is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

Phillip J. Artigola

Registration No. 38,819

FOLEY & LARDNER LLP

Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

April 1, 2005